

Notice of Allowability

Application No.

10/664,540

Examiner

Zoila E. Cabrera

Applicant(s)

ROOSE, JEFFREY

Art Unit

2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2/22/05.
2. ☒ The allowed claim(s) is/are 1-31.
3. ☒ The drawings filed on 18 September 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Allowable Subject Matter

1. Claims 1-31 are allowed.

The following is an examiner's statement of reasons for allowance:

- a) Applicant's arguments with respect to claims 1, 9, 18 and 22, Page 15, paragraph 1, and Page 17, last paragraph, have been persuasive.
- b) The allowability of the claims resides, at least in part, that the closest prior art of record **Kennedy (US 5,360,446)** does not disclose or suggest, alone or in combination the step of:

Regarding claims 1 and 18, **manufacturing said prosthesis to include an acetabular cup and an attachment part extending therefrom configured to attach the acetabular cup to bone surrounding the acetabulum of a patient, wherein said manufacturing step includes the step of forming said attachment part based on the second set of data**, in combination with the other elements and features of the claimed invention.

As for independent claim 9, **manufacturing said prosthesis to include a functional part and an attachment part extending therefrom configured to attach the functional part to the bone surrounding the joint socket, wherein said manufacturing step includes the step of forming said attachment part based on the second set of data**, in combination with the other elements and features of the claimed invention.

As for independent claim 22, **a flange attached to said acetabular cup and configured to attach the acetabular cup to bone surrounding the acetabulum of a patient; and manufacturing said flange based upon the second set of data**, in combination with the other elements and features of the claimed invention.

As for independent claim 30, **manufacturing said prosthesis to include an integral component including an acetabular cup and an attachment part extending therefrom, wherein said manufacturing step includes the step of forming said attachment part based on the second set of data**, in combination with the other elements and features of the claimed invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zoila E. Cabrera whose telephone number is 571-272-3738. The examiner can normally be reached on M-F from 8:00 a.m. to 5:30 p.m. EST (every other Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard, can be reached on (571) 2723749. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Any

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inquiry of a general nature or relating to the status of this application or proceeding
should be directed to the receptionist whose telephone number is 703-305-9600.

Zoila Cabrera
Patent Examiner
May 16, 2005

Jayprakash N. Gandhi
Primary Examiner 2100
Technology Center 2800

J N Gandhi